

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

INTEREST RATE SWAPS ANTITRUST
LITIGATION

This Document Relates to All Actions

16-MD-2704 (JPO)

ORDER NO. 80

J. PAUL OETKEN, District Judge:

In light of the Court's orders granting preliminary approval to the settlement agreements that would resolve the class actions in this proceeding (ECF Nos. 1084 & 1085), the Court issues this order resolving outstanding scheduling disputes.

1. The Class Plaintiffs' letter motion for leave to file a motion for certification of a Rule 23(c)(4) issue class (ECF No. 1063) is denied as moot and without prejudice to renewal in the event that the class settlements are not finally approved.
2. The Platform Plaintiffs' letter motion for an order bifurcating the trial between a liability phase and a damages phase (ECF No. 1068) is denied without prejudice to renewal. The Court concludes that it is premature at this stage to decide whether an ultimate trial should be bifurcated. The issue of bifurcation may be revisited following the completion of expert discovery and the resolution of summary judgment and *Daubert* motions.
3. The Platform Plaintiffs' letter motion for an order staying expert discovery on damages pending the disposition of trial on liability (ECF No. 1068) is denied. The interest of efficiency would not be served by postponing expert discovery on damages until after a full round of summary judgment and *Daubert* briefing on liability, particularly given that there is likely to be some degree of overlap in evidence and testimony regarding liability and damages.

Accordingly, with respect to the Platform Plaintiffs—that is, in Case Numbers 16-CV-3542, 16-CV-2858, and 18-CV-5361—the deadlines in the scheduling order related to expert discovery (*see* ECF No. 394 ¶ 8) that are currently defined in relation to this Court’s decision on class certification shall be calculated from the date of this order. Thus, all expert discovery shall be completed no later than eight and one-half (8.5) months from the date of this order, and the Platform Plaintiffs shall serve expert reports on Defendants no later than sixty (60) days from the date of this order.

All subsequent deadlines will remain as specified in the Scheduling Order at ECF No. 394.

The Clerk of Court is directed to enter this order on ECF in 16-MD-2704 as well as in all member and related cases.

The Clerk is also directed to terminate the motions at ECF Nos. 1063 and 1068.

SO ORDERED.

Dated: July 12, 2024
New York, New York



J. PAUL OETKEN
United States District Judge